

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**JOHN DANIEL CROSBY,**

**Plaintiff,**

**v.**

**Case No. 13-CV-1141**

**SGT. DOSS,**

**Defendant.**

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**DECISION AND ORDER**

Plaintiff has filed a request to dismiss this case because he just received notice that the court will be deducting 20% of his monthly income to pay the filing fee. Plaintiff asserts that he is in no position to pay the sum and, therefore, he seeks voluntary dismissal of this action. See Fed. R. Civ. P. 41(a)(1)(A).

Plaintiff is advised that he is required to pay the remainder of the filing fee regardless of whether the case is dismissed. See 28 U.S.C. § 1915(b)(1). The remainder of the filing fee will continue to be collected in this case pursuant to the formula set forth in § 1915(b)(1). Based on the foregoing, and because it appears that plaintiff mistakenly believes that if he voluntarily dismisses this case he will no longer have to pay the remainder of the filing fee, I will not dismiss the case at this time.

**THEREFORE, IT IS ORDERED** that plaintiff should inform the court within ten days of the date of this order whether he still seeks to dismiss this action. Failure to advise the court within ten days will result in dismissal of the case.

Dated at Milwaukee, Wisconsin, this 4th day of February 2014.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge